

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:13-cr-32
)	
v.)	
)	MATTICE / LEE
CLIFFORD WITHEY)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the one-count Indictment; (2) accept Defendant's plea of guilty to the lesser included offense of the charge in Count One, that is, a Class B misdemeanor violation of Title 18 U.S.C. §§ 228(a)(1); (3) adjudicate Defendant guilty of the lesser included offense of the charge in Count One of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) Defendant has been released on bond under appropriate conditions of release pending sentencing in this matter [Doc. 16]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 16] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the lesser included offense of the charge in Count One, that is, a Class B misdemeanor violation of Title 18 U.S.C. §§ 228(a)(1), is **ACCEPTED**;

- (3) Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count One, that is, a Class B misdemeanor violation of Title 18 U.S.C. §§ 228(a)(1);
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** on bond under appropriate conditions of release pending sentencing in this matter, which is scheduled to take place on **Monday, November 25, 2013 at 2:00 p.m.** before the Honorable Harry S. Mattice, Jr.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE